

## REMARKS

Claims 1-5 are currently pending in the application. As indicated above, Claim 1 has been amended.

In the Office Action, the Examiner has rejected Claims 1-5 under 35 U.S.C. §102(e) as being anticipated by *Mittelstadt et al.* (U.S. 6,389,280 B1).

As indicated above, the Examiner has rejected all independent claims, i.e., Claims 1-2 and 4-5, under 35 U.S.C. §102(e) as being anticipated by *Mittelstadt*. However, it is respectfully submitted that the Examiner is incorrect.

As previously argued, each of the independent claims is directed to either a device or method for menu navigation. As such, each independent claim performs the navigation based upon the amount of time an input button is pressed. For example, Claim 1, as amended, specifically recites a timer module for *determining a duration for which a directional button is pressed*, and a pointer carrier for shifting a position of a pointer in response to said shift command, wherein said shift command directs said pointer carrier to shift said pointer to a next menu item if said determined duration is less than a preset time, and said shift command directs said pointer carrier to shift said pointer to a next menu page if said determined duration is greater than or equal to said preset time.

The Examiner cites the operations of the time-out logic 113 of *Mittelstadt*, as teaching this type of operation. However, the time-out logic 113 merely times a period for which an input can be received. If an input is not received in that time period, the unit refers to an existing configuration. The time-out logic 113 does not keep track of a time for which a button is being pressed, i.e., a duration of a signal, as is recited in the claims of the present invention.

Additionally, independent Claims 2 and 4-5 clearly recite that a timer calculates if a button is pressed for a specific duration. Therefore, it is respectfully submitted this recitation is directly included in the claim and does not need to be read in from the specification.

Additionally, the Examiner is reminded that for anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. (see MPEP 706.02 (IV)) Therefore, as *Mittelstadt* does not keep track of a time for which a button is being pressed, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 1-5 as being anticipated by *Mittelstadt*, and it is respectfully requested that the rejection be withdrawn.

Based on the arguments and amendments presented above, it is respectfully submitted that independent Claims 1-2 and 4-5 are in condition for allowance. Without conceding the patentability per se of pending dependent Claim 3, it is likewise believed to be allowable by virtue of its dependence on independent Claim 2. Accordingly, reconsideration and withdrawal of the rejection of the dependent claim is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516  
PJF/DMO/dr